

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 30, 2002**

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1	Cert. of Apprec./ (6) Students, Recognition for a Citywide Poster/Essay Contest. (Dermer)	1
PA2	Cert. of Apprec./Procurement Dept., Receiving the NIGP Outstanding Agency Accreditation Award.	
PA3	Cert. of Apprec./Officer Joe Hart, Exemplary Dedication to His Profession. (Garcia)	
PA4	Cert. of Apprec./E. Sitomer, B. Huntsman, S. Diaz & T. Grayer, "At Your Service Awards".	
PA5	Cert. of Apprec./H. Bennett, Receiving the "Looking Beyond the License Plate" Award. (Dermer)	
PA6	Distinguished Citizen Award/Student Steven Liberos, Returning a Lost Wallet.	
C2A	BA 61-00/01, Purchase/Install Air Conditioning Units for Fire Station No. 3, \$31,175.	3
C4A	Ref: Community Affairs Comm. – Recomm. Televising City Commission Committee Meetings.	6
C4B	Ref: Fin. & CWP Comm. – Star, Palm & Hibiscus Islands, Undergrounding of Utilities.	8
C4C	Ref: Joint Fin. & CWP/Neighborhoods Comm. – W. Ave./Dade Blvd Connector Bridge. (Smith)	10
C4D	Ref: Finance & CWP Comm. – Financial Impact after Reduction in Resort Tax. (Gross)	12
C7A	Execute Amendment to Service Agmt, Parks Master Plan Bond Program Sites.	14
C7B	Approve Selection of a Public Art Commission for South Pointe Streetscape Public Plaza.	23
C7C	Declare Emergency, Allow Miami Int'l Boat Show to Utilize Parking Lot Owned by MBHA.	30
C7D	Approve Placement of (50) Banners for Grand Prix of Miami, February 13 – March 5, 2002.	35
C7E	Approve Placement of (140) Banners for Winter Party 2002, February 20 – March 14, 2002.	44
C7F	Approve Placement of (34) Banners for Alvin Ailey American Dance Theater, 2/20-3/14/2002.	53
C7G	Approve Placement of (62) Banners for Espanola Way, Indefinite Amount of Time.	62
C7H	Reject All Proposals, Establishment of a Resource Library for IT & Telecomm. Services.	71
C7I	Submit Grant Application, North Beach Recreational Corridor (Recreational Trails Grant).	76
C7J	Amend Resolution, Reflect Revisions – Local Law Enforcement Grant Program.	81
C7K	Execute Release/Satisfaction of Subsidy Agmts., Several Properties in Miami Beach.	94
C7L	Award (19) Contracts, Provide Temporary Personnel Services.	105

**C7M	Approve Transfer of Ownership for Blackstone Apartments. Changed to from Item R7J (Addendum)	
R5A	10:30 a.m. 2nd Rdg , Amend Code, Single Utility Billing & Waste Impact Fees. (Garcia)	118
R5B	10:40 a.m. 2nd Rdg , Provisions Prohibiting Total Nudity at Alcoholic Beverage Establish. (Cruz)	150
R5C	10:50 a.m. 2nd Rdg , Amend Code, "Continuing Application for 2-Yrs After City Service." (Garcia)	159
R5D	11:01 a.m. 2nd Rdg , Amend Land Devlp't Regs., Off-Street Parking Requirements. 5/7	164
R5E	11:02 a.m. 2nd Rdg , Amend Land Devlp't Regs., "MR Marine Recreation District." 5/7	171
R5F	11:03 a.m. 2nd Rdg , Amend Land Devlp't Regs., Temporary Business Signs. 5/7	178
R5G	11:04 a.m. 1st Rdg , Amend Land Devlp't Regs., "Administration & Review Procedures." 5/7	185
R5H	1st Rdg , Amend Code, "Certain Relationships of City Commission Members Prohibited." (Smith)	192
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R7B	Joint , Execute/Award Construction Contract, Cultural Campus/Regional Library Project.	214
R7C	Joint , Ratify/Approp. Funds from S. Pointe RDA, Flamingo/Lummas Neigh. Streetscape Proj.	221
R7D	Joint , Ratify/Approp. Funds from City Ctr. RDA, Flamingo/Lummas Neigh. Streetscape Project.	236
R7E	Joint , Litigation Dismissal/Settlement of Gazit (Meridian) Inc. vs. CMB.	249
R7F	2:45 p.m. Waive Competitive Bidding, Bass Museum Expansion & Renovation Project. 5/7	312
R7G	11:30 a.m. Amend 2 nd Amended & Restated Rules/Regs., Beachfront Concession Operations.	321
R7H	Issue RFP, Governmental Representation/Consulting Services in Tallahassee.	336
R7I	Establish Guidelines for the Approval of Rental Fee Waivers.	347
**R7J	Approve Transfer of Ownership for Blackstone Apartments. Changed to Item C7M (Addendum)	
R9A	2:00 p.m. Board and Committee Appointments.	369
R9A1	2:05 p.m. Miami Beach Cultural Arts Council Vacancies.	423
R9A2	Appointment of Orlando L. Alvarez, Jr. to the Personnel Board.	425
R9B	Disc. Role & Responsibilities of N. Beach Youth Center Task Force. (Smith)	431
R9C	2:15 p.m. Disc. & Action, Plan for an All Ages Event at Level Nightclub on 3/17/02. (Cruz)	433
R9D	11:45 a.m. Disc. Request by Royal Palm Hotel re: Issues Recently Printed in the Press.(Bower)	439
R9E	2:30 p.m. Disc. Land Exchange w/ Dezerland, Implement Collins/Harding Ave. Improvements.	441
R9F	10:15 a.m. Disc. Ordinance re: Amend Code, "Minimum Staffing." (Dermer)	451
R9G	Disc. & Action, Lien Mitigation for the Alden Hotel.	461/ SM

REPORTS AND INFORMATIONAL ITEMS

A	City Attorney's Status Report.	468
B	Analysis of Budget, For the General, Enterprise, & Internal Service Funds.	472
C	Status Report on Issues Over Project Contingency at Scott Rakow Youth Center.	490

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A	Monthly Status Report on Anchor Shops & Parking for Month of December 2001.	1
3A	Joint , Execute/Award Construction Contract, Cultural Campus/Regional Library Project.	3
3B	Joint , Ratify/Approp. Funds from S. Pointe RDA, Flamingo/Lummas Neigh. Streetscape Proj.	10
3C	Joint , Ratify/Approp. Funds from City Ctr. RDA, Flamingo/Lummas Neigh. Streetscape Project.	25
3D	Joint , Litigation Dismissal/Settlement of Gazit (Meridian) Inc. vs. CMB.	40
3E	Approve Amendment, Final Design & Construction Mgmt of Beachwalk Project.	49

Meeting called to order at 9:16:53 a.m.

Inspirational Message given by Reverend Garth Thompson from the Miami Beach Community Church.

Pledge of Allegiance led by Don De Lucca.

Requests for Additions, Withdrawals, and Deferrals

Jorge Gonzalez, City Manager, announced that today, for the first time, the City of Miami Beach is video streaming the City Commission meeting live on the City's website.

PA - Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To (6) Students In Recognition For Their Work In A Citywide Poster And Essay Contest (Sponsored By The City's Community Relations Board), For Youth Stressing The Importance Of Tolerance In Our Community.
(Requested By Mayor David Dermer)

ACTION: Certificates of Appreciation presented to:

1st Place: Claudia Navas, Miami Beach Senior High , Steven Chao, North Beach Elementary

2nd Place: Daniel Gaines, North Beach Elementary, Alexander Cohen, North Beach Elementary

3rd Place: Joseph Rios, North Beach Elementary, Valentina Mejia, North Beach Elementary

- PA2 Certificate Of Appreciation To Be Presented To The Procurement Department, For Being Awarded The National Institute Of Governmental Purchasing (NIGP) Outstanding Agency Accreditation Award.
(City Manager's Office)

ACTION: Certificate of Appreciation presented.

- PA3 Certificate Of Appreciation To Be Presented To Officer Joe Hart, For Exemplary Dedication To The City Of Miami Beach By Acting According To The Highest Standards Of His Profession.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Certificate of Appreciation presented.

- PA4 Certificates Of Appreciation To Be Presented To Elyse Sitomer, Economic Development, Betty Huntsman/Sandra Diaz, Human Resources And Terrance Grayer, Code Compliance, In Recognition Of The "At Your Service Awards" For The Month Of October, November And December, 2001.
(City Manager's Office)

ACTION: Certificates of Appreciation presented.

- PA5 Certificate of Appreciation To Be Presented To Detective Howard Bennett, For Being Recognized By The International Association Of Chief's Of Police (IACP) And Receiving The "Looking Beyond The License Plate" Award.
(Requested By Mayor David Dermer)

ACTION: Certificate of Appreciation presented.

- PA6 Distinguished Citizen Award Presented To Third Grader Student Steven J. Liberos From Fienberg Fisher Elementary, For Returning A Lost Wallet To His School's Office.
(Miami Beach Police Department)

ACTION: Award presented. Police Sgt. James Harley gave an overview of Steven's actions.

9:45:52 a.m.

Roberto Datorre Jr. was sworn in as an attorney by Commissioner Steinberg.

ADDENDUM:

Motion made by Commissioner Steinberg to add item R7J as an emergency item by a 5/7 vote, and to make it part of the Consent Agenda as item C7M; seconded by Commissioner Bower; Voice-vote: 7-0.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice-vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To Environmental Control, Inc., In The Amount Of \$31,175 Pursuant To Bid No. 61-00/01 For The Purchase, Delivery And Installation Of Air Conditioning Units For Fire Station No. 3.
(Public Works)

ACTION: Contract awarded. Fred Beckmann to handle.

Cross reference

1. Letter from Gus Lopez to Kass Air Conditioning, Environmental Control, Inc, Universal Air Conditioning Co.,

C4 - Commission Committee Assignments

- C4A Referral To The Community Affairs Committee For Review And Recommendation Regarding A Citizen's Request To Televis, On Government Channel 20, Meetings Of City Commission Committees.
(City Clerk's Office)

ACTION: Referred. Mayra Diaz Buttacavoli to place on the Committee agenda.

- C4B Referral To The Finance And Citywide Projects Committee To Discuss Petitions From A Majority Of The Property Owners Of The Star, Palm And Hibiscus Islands And Sunset Islands 3 & 4 To Consider The Establishment Of Special Assessment Areas To Provide Financing For The Undergrounding Of Overhead Utilities.
(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the Committee agenda.

City Clerk's Note: Administration to accept the petitions from a majority of the property owners of the Star, Palm, Hibiscus Island and Sunset Islands 3 and 4, to consider the establishment of Special Assessment areas to provide financing for the undergrounding of overhead utilities and forward said petition to the attention of the Finance Director as the liaison for the Finance and Citywide Projects Committee for placement on the Committee's agenda for consideration.

- C4C Referral To A Joint Finance & Citywide Projects And Neighborhoods Committee Meeting -Discussion Regarding A West Avenue / Dade Boulevard Proposed Connector Bridge.
(Requested By Vice-Mayor Jose Smith)

ACTION: Referred. Patricia Walker and Vivian Guzman to place on the Committee agenda.

- C4D Referral To The Finance And Citywide Projects Committee Of A Report On The Financial Impact On The Fiscal Year 2001-2002 Budget Resulting From The Reduction In Resort Tax Collections.
(Requested By Commissioner Saul Gross)

ACTION: Referred. Patricia Walker to place on the Committee agenda.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Current Professional Services Agreement With The Firm Of Bermello, Ajamil And Partners, Inc., For Parks Master Plan Bond Program Sites Of North Shore Park, North Shore Open Space, Pinetree Park, Parks Maintenance Facility, Lummus Park And South Pointe Park, In The Amount Of \$24,750, For Additional Reimbursable Expenses For The Projects, Using Previously Appropriated Funds.
(Capital Improvement Projects)

ACTION: Resolution No. 2002-24719 adopted. Tim Hemstreet to handle.

C7B A Resolution Approving The Selection Of A Public Art Commission For The South Pointe Streetscape Public Plaza, At Third Street And Washington Avenue, As Recommended By The Art In Public Places Committee; Authorizing The Administration to Negotiate And, If Successful, Authorizing The Mayor And City Clerk To Execute A Contract With The Artist, Paul Fullerton In An Amount Not To Exceed \$100,000; And Appropriating Funds, In The Amount Of \$100,000, From The Art In Public Places Fund, To Be Reimbursed From The Next Series Of General Obligation Bonds.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24720 adopted. Patricia Walker to appropriate the funds. James Quinlan to handle.

C7C A Resolution Finding And Declaring The Existence Of An Emergency And Allowing The Miami International Boat Show To Utilize The Parking Lot Owned By The Miami Beach Housing Authority, Located At The Northwest Corner Of Alton Court And 17th Street, For Trailer Parking For The Miami International Boat Show, From January 31 - February 28, 2002, Further Providing That The Lot Be Utilized Exclusively By The Miami International Boat Show Subject To The Following Conditions (1) That The Subject Permission Is Granted Without Establishing A Precedent, So As To Satisfy This Unique Emergency Situation; (2) That The Miami International Boat Show Restore The Property To Same Condition As Before Its Use By The Miami International Boat Show; And (3) That The Miami International Boat Show Provide A Certificate Of Insurance Or Other Proof Of Insurance To The City In A Form And Amount(s) Acceptable To The City's Risk Manager.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24721 adopted. Al Childress to handle.

10:01:49 a.m.

C7D A Resolution Approving And Authorizing The Placement Of Fifty (50) Banners For The Grand Prix Of Miami, To Be Held March 1, 2002 And March 2, 2002, In The City Of Homestead, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 17th Street, Between Collins Avenue And Alton Road; Washington Avenue, Between Lincoln Road And 5th Street; Collins Avenue, Between 5th And 18th Street; And Alton Road, Between 12th And 17th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than February 13, 2002, And Removed By March 5, 2002.

(Cultural Affairs & Tourism Development)

ACTION: This item was separated for discussion by Vice-Mayor Smith. Discussion held. **Resolution No. 2002-24722 adopted.** James Quinlan to handle.

Vice-Mayor Smith stated that he was concerned about placing banners around the City of Miami Beach for an event being held in Homestead.

Jorge Gonzalez, City Manager, explained that the location of the event is not one of the criteria used to decide when to place banners on the Beach. Visitor statistics show that of the 10 million visitors to Florida last year, 70% visited South Beach.

Motion made by Vice-Mayor Smith to refer the item to the Community Affairs Committee to review the criteria used in deciding when to place banners on Miami Beach. No second offered. Discussion continued.

Commissioner Steinberg stated that the event coordinator indicated that there will be events on the Beach and does anticipate room nights in Beach hotels.

Commissioner Gross stated that the referral should be to establish the criteria and if the request fits the criteria authorize the Administration to approve the banner placement.

Motion made by Commissioner Garcia to approve the item; seconded by Commissioner Bower; Voice-vote: 6-1; Opposed: Vice-Mayor Smith. James Quinlan to handle.

Motion made by Commissioner Bower to refer item to the Community Affairs Committee, to review and enhance the banner approval and placement process and criteria; seconded by Commissioner Garcia; Voice-vote: 7-0. Mayra Diaz Buttacavoli to place on the committee agenda.

- C7E A Resolution Approving And Authorizing The Placement Of One Hundred And Forty (140) Banners For The Winter Party 2002, To Be Held March 3, 2002 To March 11, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; Alton Road Exit South; Alton Road, Between 13th And 17th Street; 17th Street, Between Alton Road And Washington Avenue; Washington Avenue, Between 8th Street And 15th Street; Collins Avenue, Between 12th Street And 18th Street; And 5th Street, Between Alton Road And Ocean Drive; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than February 20, 2002, And Removed By March 14, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24723 adopted. James Quinlan to handle.

- C7F A Resolution Approving And Authorizing The Placement Of Thirty-Four (34) Banners For The Alvin Ailey American Dance Theater, To Be Held March 8, 2002 To March 10, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 17th Street, Between Meridian Avenue And Washington Avenue; Washington Avenue, Between Lincoln Road And Dade Boulevard; 5th Street, Between Alton Road And Ocean Drive; And 41st Street, Between Alton Road And Pinetree Drive; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than February 20, 2002, And Removed By March 14, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24724 adopted. James Quinlan to handle.

- C7G A Resolution Retroactively Approving And Authorizing The Placement Of Sixty-Two (62) Banners For Espanola Way, In Miami Beach, For An Indefinite Amount Of Time, As Requested By The Applicant At The Following Locations: Drexel Avenue, Between Lincoln Road And Espanola Way; Pennsylvania Avenue, Between Lincoln Road And Espanola Way; Espanola Way, Between Drexel Avenue And Ocean Drive; 15th Street, Between Pennsylvania Avenue And Ocean Drive; 14th Street, Between Pennsylvania Avenue And Ocean Drive; And Washington Avenue, Between Lincoln Road To 12th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way; Measuring 3'x7' And Having A Copy And Design As Shown On The Attached Drawing; Shall Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners, To Be Up An Indefinite Amount Of Time, Be Maintained In Good Condition.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24725 adopted. James Quinlan to handle.

- C7H A Resolution Rejecting All Proposals Received In Response To Request For Proposals No. 137-99/00, For The Establishment Of A Resource Library For Information Technology And Telecommunications Services; Authorizing The Issuance Of A Request For Qualifications (RFQ) For The Establishment Of A Resource Library For Information Technology And Telecommunications Services.
(Finance Department)

ACTION: Resolution No. 2002-24726 adopted. Gus Lopez to notify bidders and to issue the RFQ.

Cross reference:

1. Letter from Gus Lopez to Decision Consultants, Infolink Information Services, Sherikon Space Systems, RHJ & Associates, Global Information Technology, PTI Southeast, Data Industries, Maxime Group, Information Systems and Networks Corporation, Initiatives Corporation

- C7I A Resolution Authorizing The City Manager Or His Designee To Submit An Application For Grant Funds From The Florida Department Of Environmental Protection, Office Of Greenways And Trails, Recreational Trails Grant Program, For The North Beach Recreational Corridor, In The Amount Of \$100,000, To Be Matched With \$100,000 Of The General Obligation (GO) Bond Program Proceeds Previously Appropriated For The Project; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2002-24727 adopted. Judy Hoanshelt to submit grant application. Patricia Walker to appropriate the funds, if approved.

- C7J A Resolution Amending Resolution No. 2001-24488, Dated June 27, 2001, To Reflect Revisions To The Expenditures Of Grant Funds Received From The United States Department Of Justice, Local Law Enforcement Grant Program.
(Grants Management)

ACTION: Resolution No. 2002-24728 adopted. Chief De Lucca to handle.

9:59:21 a.m.

- C7K A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Release And Satisfaction Of Subsidy Agreements For The Following Properties: 629 Lenox Avenue, 221 Collins Avenue, 1220 Marseilles Drive, 1946 Marseilles Drive, 1244 Pennsylvania Avenue, And 345 Collins Avenue.
(Neighborhood Services)

ACTION: Commissioner Bower separated this item for discussion. She asked if there is a process to

notify the individuals in the building who are receiving affordable housing subsidy. Miguell Del Campillo indicated that there is a process in place.

Resolution No. 2002-24729 adopted via Consent Agenda. Vivian Guzman to handle.

- C7L A Resolution Awarding Contracts To Nineteen (19) Temporary Personnel Agencies As Set Forth Below Pursuant To Invitation For Bids No. 55-00/01, To Provide Temporary Personnel Services.
(Procurement)

ACTION: Resolution No. 2002-24730 adopted. Gus Lopez to handle.

ADDENDUM

This item was added as an emergency item and changed from R7J to Consent Agenda item C7M.

9:53:28 a.m.

- C7M A Resolution Approving The Transfer Of Ownership Of The Blackstone Apartments, Located At 800 Washington Avenue, From The Blackstone Hotel Associates, Ltd. To Blackstone Equities, LLC, Further, Approving The Attached Assignment And Assumption Agreement Between The Blackstone Hotel Associates, Ltd. And Blackstone Equities, LLC For The Multi-Family Housing Rehabilitation Program Matching Grant Agreement Between The City And The Blackstone Hotel Associates, Ltd., Dated June 22, 1995.

(Neighborhood Services)

ACTION: Commissioner Gross asked for clarification on this item.

Resolution No. 2002-24740 adopted via Consent Agenda. Vivian Guzman to handle.

Larry Levy, First Assistant City Attorney, stated that a HAPC contract, (Housing Assistance Payment Contract), is in place until 2003. The affordability period kicks in the next day and the HAPC contract expires. It effectively extends it as affordable housing / low income housing for an additional five (5) years.

Commissioner Gross stated that Mr. Fisher, who is buying the building, is acquiring one of the greatest landmarks on Washington Avenue. He is going to be the guardian of one of the great treasures of the Street and encouraged him to participate in the program on Washington Avenue to light up historic buildings.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****11:11:16 a.m.**

- R5A An Ordinance Relating To Single Utility Billing And Waste Impact Fees; Amending Section 90-133 Of The City Code By Excluding From The Definitions Of "Commercial Business Account" And "Commercial Units" Multi Family Residential Buildings Fronting On A Private Street And Whose Waste Removal Services Are Provided By Private Contract; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:30 A.M. Second Reading, Public Hearing.**
(Requested By Commissioner Luis R. Garcia, Jr.)
(First Reading On January 9, 2002)

ACTION: Public Hearing held. Discussion held. **Ordinance Number 2002-3345 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 5-2; Opposed: Vice-Mayor Smith and Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:17:23 a.m.

- R5B An Ordinance Amending Chapter 6 Of The Miami Beach City Code Entitled "Alcoholic Beverages," By Amending Section 6-40 Thereof Entitled "Total Nudity And Sexual Conduct Prohibited," By Adding Subsection (C) To Provide That Adult Entertainment Establishments Permitting Total Nudity Under Current Adult Entertainment Occupational Licenses That Obtain An Alcoholic Beverage License Shall Be Exempt From The Provisions Prohibiting Total Nudity At Alcoholic Beverage Establishments Under Section 6-40; Providing For Repealer, Severability, Codification, And Effective Date.
10:40 A.M. Second Reading, Public Hearing.
(Requested By Commissioner Simon Cruz)
(First Reading On December 19, 2001)

ACTION: Public Hearing opened and continued to February 20, 2002 at 11:15 a.m. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice-vote; 7-0. Lilia Cardillo to place on agenda.

Handouts:

1. Notice of Ad in Miami Herald

11:19:17 a.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; Providing For Repealer, Severability, Codification, And Effective Date. **10:50 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Luis R. Garcia, Jr.)

(Continued From January 9, 2002)

ACTION: Public hearing opened. Discussion held. Motion made by Commissioner Garcia to approve; seconded by Commissioner Cruz. Discussion continued. Commissioner Garcia withdrew his motion.

Public Hearing opened and continued to February 20, 2002 at 10:45 a.m. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice-vote: 7-0. Lilia Cardillo to place on agenda.

Commissioner Cruz stated that the Community Affairs Committee heard this item and made a motion to have Vice-Mayor Smith meet with the City Attorney to fine tune and draft legislation that meets the intent of what Commissioner Garcia is trying to achieve.

Commissioner Garcia stated that the City has adopted ethic legislation for elected officials. He believes that employees should be held to the same level of ethics and scrutiny as elected officials. In the private sector there are anti-competitive contacts, and that is basically what this is.

After the City Attorney's Office, Administration and Vice-Mayor Smith meet to review the ordinance, and if they are ready, the revised ordinance will be referred back to the Community Affairs Committee.

Mayra Diaz Buttacavoli to place on the committee agenda.

Jorge Gonzalez, City Manager, stated that at the Community Affairs meeting a representative of the County's Ethics Committee made a recommendation and the Legal Department should explore the recommendation.

11:30:44 a.m.

R5D An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, Off-Street Parking, Article II, District Requirements, Section 130-36, To Treat Off-Site Parking Requirements The Same For Local Historic Districts As For The Architectural District; Providing For Repealer; Codification; Severability; And An Effective Date. **11:01 A.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading On January 9, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3346 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-1; Opposed: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:32:15 a.m.

R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, District Regulations," Division 12, "MR Marine Recreation District," Section 142-513, "Conditional Uses," To Allow For Conditional Uses In The MR District That May Be Provided By Other Provisions Of The Land

Development Regulations; Providing For Repealer; Codification; Severability; And An Effective Date.
11:02 A.M. Second Reading, Public Hearing.

(Planning Department)
(First Reading On January 9, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3347 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:33:48 a.m.

R5F An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 138, "Signs," Article IV, "Temporary Signs," Section 138-132, "Business Signs," Subsection (D), To Allow Temporary Business Signs To Be Erected And Maintained Beyond The Permitted 30 Days When The City Manager Finds That Such Signage Is Necessary To Mitigate The Impacts Of Public Construction On Visibility Of Or Access To The Business; Providing For Repealer; Codification; Severability; And An Effective Date. **11:03 A.M. Second Reading, Public Hearing.**

(Planning Department)
(First Reading On January 9, 2002)

ACTION: Public Hearing held. Discussion held. **Ordinance Number 2002-3348 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:35:05 a.m.

R5G An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," Article II, Boards, Division 4, Historic Preservation Board, Section 118-102(3), Powers And Duties, And Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-563(I), "Review Procedure," To Make Historic Preservation Board Review Advisory To The City Commission For Certificates Of Appropriateness For Demolition For Properties Owned By The Miami Beach Redevelopment Agency; Providing For Repealer; Codification; Severability; And An Effective Date. **11:04 A.M. First Reading, Public Hearing.**

(Planning Department)
(First Reading On January 9, 2002)

ACTION: Public Hearing Held. Discussion held. **Ordinance approved on first reading.** Motion made by Vice-Mayor Smith; seconded by Commissioner Cruz; Ballot vote: 5-2; Opposed: Commissioners Bower and Gross. Second Reading and Public Hearing scheduled for February 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

Commissioner Gross stated that this ordinance seeks to establish a set of rules for the City which are different than the rules the private owners are required to follow. Private owners must go to the Historic Preservation Board and abide by their decision. It is wrong to put the City in a separate class. Commissioner Bower expressed the same concern.

Vice-Mayor Smith stated that the City is made up of 90,000 people and the City Commission speaks for them. They elect the Commission to make decisions on their behalf. The Administration and the Planning Department support the ordinance and that is why he is supporting it.

Handouts:

1. Notice of Ad in Miami Herald

R5H An Ordinance Amending Miami Beach City Code Chapter 2, Adding Section 2-461 Entitled "Certain Relationships Of City Commission Members Prohibited," By Prohibiting Members Of The City Commission From Either Directly Or Indirectly Appearing, Representing, Contracting With Or Acting On Behalf Of A Third Person With Respect To Any Matter Coming Before The City Commission; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading.**

(Requested By Vice-Mayor Jose Smith)
(Deferred From January 9, 2002)

ACTION: Item deferred to the February 20, 2002 meeting by Vice-Mayor Smith. Lilia Cardillo to place on the Commission agenda.

R6 - Commission Committee Reports**6:01:08 p.m.**

R6A Report Of The General Obligation Bond Oversight Committee Meeting Of January 7, 2002: **1)** Projects Status Report: a) North Shore Park And Youth Center; b) Marseille Drive; **2)** Recommendation To Appropriate Funds: a) West Avenue/Bay Road Neighborhood Glating Jackson A/E Contract Amendment; b) Alton Road Corridor Enhancement Traffic Study; **3)** Informational Items: a) Nautilus ROW Improvements Community Design Workshop #1 Report; b) Normandy Shores ROW Improvements Community Design Workshop #1 Report; c) Bayshore Community Design Workshop #1 Report; d) Flamingo/Lummus Community Design Workshop #1 Report; e) La Gorce ROW Improvements Community Design Workshop #1 Report; f) Capital Improvement Projects Office Budget For Fiscal Year 2001/2002; g) Public Meeting Regarding Acquisition Of 777 17th Street Building; h) Parks Blue Ribbon Citizens Committee Town Hall Meetings Regarding Parks And Recreation Programming.

ACTION: Written report submitted and accepted by acclamation of the City Commission.

1. Project Status Report: A) Construction on the North Shore Park & Youth Center should be able to begin in the first quarter of this year; B) At the January 9 Commission Meeting reassigning the Marseille Drive contract to Gambach Architects; C) Administration trying to locate additional funds for the Normandy Isle park and pool project; and D) Administration attempting to identify additional fees for reimbursable expenses for the Bermello, Ajamil & Partners contract so the South Ponte and Lummus Parks projects can move forward.
2. Recommendation To Appropriate Funds: A) Committee denied a request to recommend the appropriation of \$22,247 in GO Bond funds for the additional A/E services for the West Avenue/Bay Road Neighborhood Improvement project.
- 3) Informational Items: A) Committee informed that the following neighborhoods had their Community Design Workshops(s) 1) Nautilus ROW Improvements; 2) Normandy Shores ROW Improvements; 3) Bayshore, 4) Flamingo/Lummus; 5) La Gorce ROW Improvements; and the Committee was informed of the Parks Blue Ribbon Citizens Committee Town Hall meeting regarding Parks and Recreational Programming and the public meeting regarding the acquisition of the 777 17 Street building.

06:01:09 p.m.

R6B Verbal Report Of The Finance And Citywide Projects Committee Meeting Of January 23, 2002: **1)** Review Recommendation Regarding The Use And Methods Of Operation Of The Byron/Carlyle Parking Lot, Located On The Southeast Corner Of 71st Street And Byron Avenue.

ACTION: Not reached. Lilia Cardillo to place on the February 20 Consent Agenda.

6:01:09 p.m.

R6C Verbal Report Of The Community Affairs Committee Meeting Of January 29, 2002: **1)** Discussion Regarding Volume Services America And SMG Scholarship Funds; **2)** Discussion Regarding Legislation Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **3)** Special Events Policy Regarding Markets; And **4)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment.

ACTION: Not reached. Lilia Cardillo to place on the February 20 Consent Agenda.

6:01:09 p.m.

R6D Verbal Report Of The Neighborhood Services Committee Meeting Of January 29, 2002: **1)** Camping Ordinance.

ACTION: Not reached. Lilia Cardillo to place on the February 20 Consent Agenda.

R7 - Resolutions**6:01:26 p.m.**

R7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City Of Miami Beach And Glatting Jackson Kercher Anglin Lopez Rinehart, Pursuant To Request For Qualifications (RFQ) 7-00/01, To Provide Additional Professional Services Associated With The Cross Streets Between Alton Road And Biscayne Bay Within The West Avenue / Bay Road Neighborhood Streetscape Project For A Fee Not To Exceed \$39,727; And Appropriating Said Fees: \$22,247 From The Series 2000 General Obligation Bond Fund, And \$17,480 From The Series 2000 Stormwater Revenue Bond Fund.

(Capital Improvement Projects)

ACTION: Not adopted. Discussion held. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 3-3; Opposed: Mayor Dermer and Commissioners Garcia and Steinberg; Absent: Commissioner Cruz.

Mayor Dermer stated that if the Administration chooses, to bring the item back on February 20 with a funding source other than GO Bonds. Tim Hemstreet to handle.

- R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Construction Contract, In The Amount Of \$6,895,993.51, To Regosa Engineering, Inc., For The Construction Of The Cultural Campus/Regional Library Project; Allocating Funds, In The Amount Of \$506,044, For The Project Contingency; And Appropriating Funds, In The Amount Of \$751,079, For Project Management By URS Corporation-Southern; Funds, In The Amount Of \$107,333, For Project Concurrency Fees; And Funds, In The Amount Of \$103,440, For Capital Improvement Projects Office (CIP) Management. **Joint City Commission And Redevelopment Agency.**
(Capital Improvement Projects)

ACTION: Item withdrawn.

City Clerk's cross reference: Letter from, Anthony J. Burke, Chief Executive Officer, The Tower Group to Jorge Gonzalez, dated January 29, 2002, RE: Bid No. 02--1/02- Construction of the City of Miami Beach Regional Library

Cross reference:

1. Letter from Gus Lopez to Regosa Engineering, Inc., S.F.C.S., Inc., The Tower Group, Hewett-Kier Construction, Pentagon Construction, Gray Construction

10:18:15 a.m.

- R7C A Resolution Ratifying The Appropriation Of \$1,504,297 From South Pointe Redevelopment Agency Tax Increment Funds, For Costs, More Particularly Described In Exhibit "A", Related To The South Pointe Redevelopment Area Portion Of The Flamingo/Lummus Neighborhood Streetscape Project. **Joint City Commission And Redevelopment Agency.**
(City Manager's Office)

ACTION: Item heard in conjunction with RDA Item 3B. Resolution No. 2002-24732 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to handle.

10:18:12 a.m.

- R7D A Resolution Ratifying The Appropriation Of \$547,373 From City Center Redevelopment Agency Tax Increment Funds, For Costs, More Particularly Described In Exhibit "A", Related To The City Center Redevelopment Area Portion Of The Flamingo/Lummus Neighborhood Streetscape Project. **Joint City Commission And Redevelopment Agency.**
(City Manager's Office)

ACTION: Item heard in conjunction with RDA Item 3C. Resolution No. 2002-24733 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to handle.

3:29:09: p.m.

R7E A Resolution Which Provides For The Dismissal With Prejudice Of Litigation Styled Gazit (Meridian), Inc. V. City Of Miami Beach, 11th Judicial Circuit Court Case No. 00-30164 Ca 24, And Further Authorizing The Mayor, City Clerk And All Necessary City Personnel To Execute Such Other Documents As May Be Necessary To Effectuate The Intent Of This Resolution; Further Appropriating \$5,745,000 From The Parking Enterprise Fund Balance, Representing The Balance Of The Purchase Price Required Pursuant To The Contract For Purchase And Sale Between Gazit (Meridian), Inc. And The City Of Miami Beach For The Acquisition Of The Property Located At 1701 And 1721 Meridian Avenue; Appropriating \$90,000 From The Parking Enterprise Fund Balance For Associated Closing Costs; Appropriating \$50,000 From The General Fund Operating Contingency To Perform The Necessary Repairs Required At The Building Upon Acquisition; Further Appropriating \$70,000 From Account #370-8000-361130 To Purchase A Remote Telephone Shelf, Computer Server, And The Wiring Necessary To Effectuate The Capital Improvement Office Relocation To The Building; Further Appropriating \$150,000 From The General Fund Operating Contingency For Operating Costs To Operate And Maintain The Building For The Remainder Of FY 2002; And Further Authorizing The City To Extend The Existing Maintenance And Service Agreements For The Balance Of FY 2002.

Joint City Commission And Redevelopment Agency.

(City Manager's Office)

ACTION: Item heard in conjunction with RDA Item 3D. Resolution No. 2002-24734 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice-vote: 5-2; Opposed: Vice-Mayor Smith and Commissioner Steinberg. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

3:23:10 p.m.

R7F A Resolution Formally Waiving, By 5/7ths Vote, The Competitive Bidding Requirements With Respect To Prosecuting The Remaining Work And To Diligently Complete The Bass Museum Expansion And Renovation Project; Specifically, With Regard To Outstanding Repairs To The Facility; Finding Such Waiver To Be In The Best Interest Of The City; Authorizing The City Manager To Select, Negotiate, Award And Execute Any And All Contracts, Purchase Orders And Change Orders, As Necessary, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Completion Of The Remaining Work On The Project, Provided That Such Contracts, Purchase Orders, Change Orders, And Any Other Documents, Shall Not Exceed \$160,000 In Cost And Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24735 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, stated that the item is a waiver of competitive bid to allow the Administration to pursue a contract with a contractor to complete the final close out punch list and to make repairs to the humidity and HVAC system at the Bass Museum. During the renovation and expansion of the Bass Museum, there have been items that have caused concern among museum professionals relative to the humidity controls and the ability to house artwork within the facility. The City's technical experts tell us that there are minor fixes that can be accomplished that will, hopefully, control the humidity to the art standards so that we can finally open the facility.

The current contractor is of the opinion that he has completed the project, and should not be required to do this work. Meetings with the current contractor have thus far have been unable to remedy the problems. The City is holding monies back on this contractor due to poor workmanship and other reasons. Ultimately what has suffered is the Bass Museum and the residents because there is still not a facility which is operational as intended; therefore not completely open.

This item will allow the Administration to hire a different contractor to complete the repairs and to

proceed with the opening of the Bass Museum with a soft opening scheduled for June and a formal grand opening in September/October.

The Friends of the Bass and The Bass Trustees have both passed a joint resolution supporting this action. Therefore, the waiver is requested along with an appropriation of \$60,000 to complete the humidity repairs.

Commissioner Garcia stated that someone needs to be held responsible and wants to see some type of legal action or debarment.

Jorge Gonzalez, City Manager, stated that the Administration's plan is to finish the building and money has been held in retainage from the original contractor. Ultimately the contractor, the designer, and the Administration will work out who is at fault and to what degree. This may or may not end up in litigation, and may or may not end up in debarment proceeding.

11:45:51 a.m.

R7G A Resolution Directing The Administration To Proceed With Amending The Second Amended And Restated Rules And Regulations For Beachfront Concession Operations Relative To Beach Chair Deployment, Design Guidelines For Concession Facilities, And Watersport Operations, In Accordance With The Administration's Recommendations Contained In The Commission Memorandum, Attached As An Exhibit To This Resolution; Further Authorizing The City Manager To Establish An Ad Hoc Committee To Establish Guidelines And Application Procedures For Watersport Concessions; Further Providing That, Once Finalized The Amended Rules And Regulations For Beachfront Concession Operations Be Brought Back To The Mayor And City Commission For Its Consideration.

(Economic Development)
(Deferred From November 28, 2001)

ACTION: Members of the public spoke. Discussion Held. **Resolution No. 2002-24736 adopted as amended.** Motion made by Commissioner Bower to approve the overall policy as amended; seconded by Commissioner Cruz; Voice-vote: 5-0; Absent: Commissioners Garcia and Gross. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, congratulated Jose Damien on the birth of his son Alec Joseph.

Vice-Mayor Smith stated that his impression was that the grandfathering was not forever. There would be a period of time in which the current operators would be able to recapture their investments and at some point in the future the operator would have to come into compliance.

Jorge Gonzalez, City Manager, stated that the question is, what is the reasonable useful life that you want to grandfather in these facilities and replace them by the guidelines in place at the time. If the Administration can determine what is a reasonable period for these facilities, by ordinance upon expiration the operators need to comply. Joe Damien stated that the Administration needs to inventory food and beverage concessionaires to find out what's a reasonable life expectancy on the trailer and come back with a recommendation. He also stated that the trailers also need to be movable. **Joe Damien to handle.**

Members of the public spoke.

The Commission decided to vote on one item at a time and then vote on the overall resolution.

Item #1: Beach Chair Deployment.

Motion made by Commissioner Garcia to accept the Administration's recommendation and approve beach chair deployment; seconded by Commissioner Cruz. Discussion continued.

Murray Dubbin, City Attorney, suggested including the following language to give the Administration the flexibility to administer the policy: **Beach chairs shall be deployed in a manner and number that will assure public access and encourage public use of the beach, taking in consideration the characteristics of the individual property involved.**

Commissioner Garcia, as the maker of the motion, accepted the City Attorney's language as an amendment. Voice-vote: 7-0 on beach chair deployment.

Item #2: Concession Facilities.

Motion made by Commissioner Bower to approve the Administration's recommendation; seconded by Commissioner Garcia; Voice-vote: 7-0.

Item # 3: Watersport Channels and Moratorium.

Motion made by Commissioner Bower to approve:

- 1) new requests on a case by case basis;
- 2) grandfather existing operators; approve the relocation of existing operators, if necessary;
- 3) report back in 90 days, via an LTC, with the number of watersport channels that North, Middle, and South Beaches can tolerate;
4. implement a mechanism to handle noise complaints; and
5. establish the Ad-Hoc Committee;

seconded by Commissioner Cruz; Voice-vote: 7-0. **Joe Damien to handle.**

Administration to report, via an LTC, on the life expectancy of the existing food, beverage, cooking and heating facilities to get a better idea of how long the grandfathering will last. **Joe Damien to handle.**

Motion made by Commissioner Bower to grandfather all existing cooking concessions on the beach and if they are evicted by the upland property owner from their existing location, they can move to another location and the upland property owner would not retain cooking privileges; seconded by Vice-Mayor Smith; Voice-vote: 7-0.

Handouts:

1. Color pictures submitted by Mr. Del Vecchio
2. Copy of a page of a Zoning Map submitted by Mr. Del Vecchio
3. Copy of an ad for the Continuum on South Beach submitted Mr. Del Vecchio
4. Black and white copy of 2 photos submitted by Mr. Frank Del Vecchio
5. Copy of an ad by the Richmond Hotel and Radisson Deauville Resort submitted by Clotilde Luce
6. Memorandum to Design Review Board from Mr. Del Vecchio, dated September 14, 2001, RE:
Recommended Design standards for Beach Concession Layout Plans
7. Black and white copy (11x17) of beach pictures submitted by Clotilde Luce
8. Speakers List

5:50:10 p.m.

R7H A Resolution Authorizing The Issuance Of Request For Proposals No. 10-0102 For Governmental Representation And Consulting Services In Tallahassee, Florida, For The 2003 And 2004 State Legislative Sessions.

(Economic Development)
(Deferred From January 9, 2002)

ACTION: Item deferred to the April 10, 2002 meeting.

Motion made by Vice-Mayor Smith to issue the RFP; seconded by Mayor Dermer. Discussion continued and no vote taken.

Commissioner Cruz requested the Administration to provide the Commission with an assessment /evaluation of Rutledge, Ecenia, Purnell & Hoffman, the City's State lobbyist. **Christina Cuervo to**

handle.

Motion made by Commissioner Bower to defer the item until April 10, 2002 Commission Meeting; seconded by Commissioner Steinberg; Voice-vote: 7-0

6:26:02 p.m.

R7I A Resolution Establishing Guidelines For The Approval Of Rental Fee Waivers Requested By Qualified Groups, Organizations Or Other Users Of The Miami Beach Parks And Recreation Department's Parks And Recreation Facilities And Authorizing The City Manager Or His Designee To Implement Said Guidelines.

(Parks & Recreation)

ACTION: Resolution No. 2002-24731 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice-vote: 6-0; Absent: Commissioner Cruz. Kevin Smith to handle.

Commissioner Bower stated that the Girl Scouts have weekly activities; therefore, there will be more than six (6) meetings a year and asked how this will be handled. Kevin Smith, Director of Parks and Recreation stated that previously the Girl Scouts requested a waiver for the use of Muss Park. The Girl Scouts have not requested the use of Muss Park or a facility every week. If they do the Administration can work with them by co-sponsoring as a recreation program.

R7J See Consent Agenda Item C7M.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION: The following Direct Appointments were made:**Beautification Committee:**

Sarah Lauffenburger term expires 12/31/03 appointed by Commissioner Gross

Budget Advisory Board:

Solomon Genet term expires 12/31/03 appointed by Commissioner Steinberg

***Solomon Genet will step down from the Debarment Board.

Convention Center Advisory Board:

Eva Barreto appointed by the Miami Beach Chamber of Commerce as an ex-officio member

Convention Center Capital Projects Oversight Committee:

David Berger term expires 12/31/03 appointed by Commissioner Gross

Design Review Board:

Ted Baker Landscape Architect term expires 12/31/02 appointed by City Commission*

*appointment made by acclamation of the City Commission

Architect position: nominations Ralph Choeff and Michael Steffen - three (3) rounds of voting, a 5/7 vote not reached.

Handout:

1. Ballots (3 sets)

Florida Sister Cities Program:

Ronnie Curvelo (at-large) term expires 12/31/03 appointed by Mayor Dermer

Hispanic Affairs Committee:

Luis Govantes term expires 12/31/03 appointed by Commissioner Garcia

Loan Review Board:

Regina Berman term expires 12/31/03 appointed by Commissioner Bower

Miami Beach Commission on the Status of Women

Vivian Giller term expires 12/31/03 appointed by Commissioner Garcia

Elizabeth Schwartz term expires 12/31/03 appointed by Commissioner Cruz

Note: Ms. Schwartz replaces Regina Suarez

Oversight Committee for General Obligation Bond:

Michael Rotbart term expires 12/31/03 appointed by City Commission

Amy Rabin term expires 12/31/03 appointed by City Commission

Frank Del Vecchio term expires 12/31/03 appointed by City Commission

Leonard Wien appointed by the Miami Beach Chamber of Commerce

Parks and Recreation Facilities Board:

Alan Randolph term expires 12/31/02 appointed by Commissioner Cruz

Police Citizens Relations Committee:

Prepared by the City Clerk's Office

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Claire Warren term expires 12/31/03 appointed by Commissioner Bower

Production Industry Council:

John Bilboa (fashion) term expires 12/31/03 appointed by Commissioner Bower

Safety Committee:

Scott Needleman term expires 12/31/02 appointed by Commissioner Cruz

Antonio Purrinos term expires 12/31/03 appointed by Commissioner Cruz

Transportation and Parking Committee:

Gabi Doria appointed by the Miami Beach Chamber of Commerce

Roger Cruz term expires 12/31/03 appointed by Commissioner Steinberg

4:16:57 p.m.

R9A1 Miami Beach Cultural Arts Council Vacancies.
(Cultural Affairs & Tourism Development)

Motion made by Commissioner Bower to expand the Miami Beach Cultural Arts Council by two (2) members and to make the appointments today effective March 30; seconded by Commissioner Garcia; Voice-vote: 7-0. David Whitman and Raul Aguila (Legal Department) to handle.

City Clerk's note: Ordinance change required. First reading February 20, second reading March 20; ordinance effective ten (10) days after second reading or March 30.

Miami Beach Cultural Arts Council:

Pauline Winick 2 years term expires 12/31/03 City Commission.

Roger Abramson 3 years term expires 12/31/04 City Commission.

Begona Calcerrada 3 years term expires 12/31/04** City Commission.

****Ms. Calcerrada resigned from the Miami Beach Commission on the Status of Women

Evan Clark Reynolds 3 years term expires 12/31/04 City Commission.

Roland Kohen 2 years term expires 12/31/03 City Commission.

Diane Star Heller 2 years term expires 12/31/03 City Commission.

Stephen Sauls 2 years term expires 12/31/03 City Commission.

Nancy Liebman 3 years term expires 12/31/04** City Commission.

** Nancy Liebman and Begona Calcerrada's appointments are effective ten (10) days after the adoption of the ordinance.

Handout:

1. Ballots

Cross reference:

1. Copy of the February 2002 committee agenda which states terms

R9A2 Appointment Of Orlando L. Alvarez, Jr. To The Personnel Board.
(City Manager's Office)

Personnel Board:

Orlando Alvarez term expires 12/31/2003 City Commission

Eric Lampinstein term expires 12/31/2003 City Commission

Jack Bernstein term expires 12/31/2003 City Commission

Handouts:

1. Ballots

Nuisance Abatement Board discussion.

Discussion was held regarding the use and need of the Nuisance Abatement Board. After Commission discussion, Jorge Gonzalez, City Manager, suggested referring this issue to the Community Affairs Committee for further discussion. By acclamation of the City Commission, the item was referred to the Community Affairs Committee. Mayra Diaz Buttacavoli to place on the committee agenda. Chief DeLucca to handle.

4:53:30 p.m.

R9B Discussion Regarding The Role And Responsibilities Of The North Beach Youth Center Task Force.
(Requested By Vice-Mayor Jose Smith)

ACTION: Discussion held. Motion made by Vice-Mayor Smith to increase the terms of the task force members from one year to when the Certificate of Occupancy is issued. Approved by acclamation of the Commission.

4:54:39 p.m.

R9C Discussion And Action Regarding A Plan For An All Ages Event At Level Nightclub On March 17, 2002.
(Requested By Commissioner Simon Cruz)

ACTION: Presentation made by Noah Lazes, President for ARK of Miami, Inc. Discussion held. Motion made by Commissioner Cruz to grant the special event permit; seconded by Commissioner Garcia; Ballot vote; 3-4: Opposed: Mayor Dermer, Vice-Mayor Smith, and Commissioners Bower and Gross. **Motion failed.**

Jorge Gonzalez, City Manager, stated that the previous City Commission was pretty clear in its direction to the Administration to limit access to nightclubs to 21 years and older. This request will be diluting their actions.

Chief of Police De Lucca stated that the current ordinance (21 years and older in nightclubs) is advantageous to the police department. It has decreased the demand on police services and reduced the number of juveniles on the streets at night.

Murray Dubbin stated that by doing what is being requested, even for one time, is defining this facility as a multi use establishment. This will be affecting the definition in the City Code, which is followed by Code Enforcement. This action may open the door for future problems. He also stated that he doesn't think the Commission has the lawful authority to grant this request.

Steve Polisar, Chairman of the Nightlife Committee, stated that he communicated with the other members of the Nightlife Association, the other clubs, and stated that they are unequivocally opposed to this request.

David Kelsey, South Beach Hotel and Restaurant Association, who is a member of the Nightlife Task Force and is responsible for preparing the minutes, stated that this item has never come before the Nightlife Task Force. Mr. Kelsey stated that there is more support for keeping the vitality of a younger crowd than there is against it. He urged the Commission to support the request.

Handout:

1. Document of Nelly Futado highlights and a map of the nightclub submitted by Noah Lazes

1:15:08 p.m.

R9D Discussion Regarding The Request By Royal Palm Hotel Limited, Regarding Issues Recently Printed In The Press.

(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held.

Jorge Gonzalez, City Manager, stated that a few months ago he met with Mr. Peebles and his representatives relative to some claims he feels are still outstanding regarding the contract sale. Mr. Peebles is requesting to negotiate or renegotiate the terms of the agreements so that they can resolve the issues. There are several issues that Mr. Peebles has raised and several issues the Administration has relative to the various parties' obligations in terms of the contract and how we might go into the future. Putting everything aside, the Commission has a policy question to decide.

Several years ago the City Commission, by policy, decided that it would be beneficial to the City to have a convention center hotel, owned by an African American, and that it be operating profitably.

Notwithstanding the legal argument, there is still a policy question. Should the Administration try to work out some arrangement, maybe it is not a credit, maybe it is not the sale of the land, maybe it is assisting on rent abatement or other things which may be doable that do not change the financial conditions of the deal, but it changes when the money may flow back and forth. Mr. Peebles will argue that there are certain specific requirements that the City should have done or should have known about that caused him unforeseen costs and he is requesting a credit for that. The issue before the City Commission today is a request to give the Administration guidance.

Mr. Donahue Peebles stated the issues related to the Royal Palm Hotel. The objective of the Royal Palm Hotels was: 1) Support the Convention Center; 2) African American owned; and 3) gives the City the opportunity to market to a broader portion of the market.

African Americans spent \$34 billion dollars a year on travel and tourism in the United States.

The project is \$19 million dollars over budget. He stated the reasons are due to unforeseen problems:

1. Contaminated soil
2. Structural defects which necessitated demolishing the existing structure and building a replica
3. Peer review as structures were reviewed

Motion made by Commissioner Garcia to allow the Administration to engage in a dialogue with the developer to make sure this hotel moves forward successfully; seconded by Commissioner Bower; Voice-vote: 7-0. Christina Cuervo to handle.

Murray Dubbin, City Attorney, clarified that any discussions held are with the intention of solving the problem and is not taken with the belief or sense that any wrong was committed by the City or that the City has any legal obligation to the developer of any nature.

Mr. Peebles agreed with Mr. Dubbin's comment.

Jorge Gonzalez, City Manager, stated that an interim report will be given at the next Commission Meeting. Jorge Gonzalez requested that a member of the Commission participate in the process as a liaison. Commissioner Cruz was chosen as the Commission liaison.

5:37:08 p.m.

R9E Discussion Regarding Authorization To Negotiate With Dezerland Properties For A Land Exchange Necessary To Implement The Collins/Harding Avenue Improvements Recommended In The DPZ Plan For North Beach.

(City Manager's Office)

ACTION: Discussion held.

Motion made by Commissioner Bower to allow the Administration to negotiate with Dezerland Properties a potential land swap or other arrangement that will preserve the opportunity of the City to accomplish the two-waying of Collins Avenue; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Christina Cuervo and Jorge Gomez to handle.**

Presentation given by Mr. Bobby Altman, architect for the project.

Vice-Mayor Smith asked the City Manager to keep the Commission informed of the negotiations.

10:19:48 a.m.

R9F Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 42 "Emergency Services," By Adding Section 42-1 Entitled "Minimum Staffing," Providing For Certain Minimum Emergency Equipment And Staffing Standards; Providing For Repealer, Severability, Codification, And Effective Date.

(Requested By Mayor David Dermer)

ACTION: Discussion held.

Mayor Dermer stated that in the future if a member of the Commission requests an ordinance to be placed on the agenda for first reading it should go on as an R5 (Ordinance). Commissioner Bower requested this issue be referred to a Commission Committee.

Jack Richardson, President of the Fire Fighters Union, read a statement into the record. Both Jack Richardson and Adonis Garcia spoke on this item. Jack Richardson stated that the National Fire Protection Association (NFPA) has developed a standard that sets forth comprehensive minimum criteria to ensure safe and effective fire and emergency medical response by fire departments. NFPA 17.10 Standards for Organizations and Development of Fire Suppression Operations, Emergency Medical Operations and Special Operation to the public is a comprehensive, uniform, and practical standard governing fire and rescue service deployment throughout North America. Currently, by policy, staffing criteria for ladder trucks fails to meet this standard.

Jorge Gonzalez, City Manager, stated that in order to achieve the minimum staffing level it does not need to be done by an ordinance, which is a law. The City Commission can direct the Administration, through the budget process, to allocate the appropriate resources necessary to achieve minimum staffing. He also stated that although the discussion is adding one (1) additional individual to each of the two (2) ladder trucks, it actually works out to nine (9) people due to the Fire Department shifts.

Commissioner Bower asked if the Fire Department could reallocate personnel resources and stated that she would like the Administration to look into reallocating personnel to reduce the number of new staff which needs to be hired.

Jorge Gonzalez, City Manager, stated that both Jack Richardson and Adonis Garcia had explained to him that if resources were shifted, other fire apparatus would then be understaffed, although perhaps other sworn fire fighters such as those doing special projects or inspectors could be used. The Administration has not looked into the alternatives until the minimum staffing level is determined. Staffing and funding can be either with additional staffing or reallocation within the department.

Mayor Dermer stated that the City should be meeting the minimum recommendations of the NFPA. He stated that he understands the Administration's budget impact concerns, but when it comes to public safety, the City does what is necessary. The Mayor added that that because of the times we are living

in, public safety is a priority. If the Commission needs to tie the Manager's hands to make sure the NFPA minimum staffing is met, what better law could the City have.

Commissioner Steinberg made a motion to add the first reading of the ordinance as an emergency item. Murray Dubbin stated that the ordinance would be weakened and subject to successful attack if not properly noticed. No second was offered.

Commissioner Garcia stated that there is a lot of money available and the City has been derelict in pursuing those monies. He directed the Administration to try to get all of the funding available at the Federal level.

Commissioner Garcia stated that the City needs to look at public safety in a holistic manner including Police, Fire and Beach Patrol.

Jorge Gonzalez, City Manager, explained that he has never stated being in favor or against minimum staffing. He stated that he is trying to preserve the flexibility the City Commission rightly deserves. Based on the discussions it is clear that the City Commission wants to abide by the NFPA minimum staff. The Commission can direct the Administration, rather than creating a law, to abide by the standards. Regardless of the method, the Administration has to determine when it will take effect and will have to find the moneys. The Fire Fighters Union representative has stated that there is some flexibility by making it effective October 1st, or having trained personnel available by October 1st. Timing, money and staffing need to be discussed. The City Manager stated that perhaps this item should be referred to the Finance and Citywide Projects Committee for review.

Commissioner Smith stated that he was surprised that the City is not adhering to NFPA minimum staffing standards and feels it is a tremendous liability.

Commissioner Garcia stated that there should be a functional Public Safety Committee in place. He will place on the next agenda an item for the creation of a Public Safety Committee.

Motion made by Commissioner Bower to set this item for first reading on February 20, 2002 and to refer it to the Finance and Citywide Projects Committee for review; seconded by Commissioner Garcia; Voice-vote: 7-0. Lilia Cardillo to place on Commission Agenda. Patricia Walker to place on Committee Agenda. Chief Jordan to handle.

Adonis Garcia stated that the Fire Fighters Union supports Commissioner Garcia's idea for the Public Safety Committee.

6:13:29.p.m.

R9G Discussion And Action On A Lien Mitigation For Property At 2925 Indian Creek Drive Known As The Alden Hotel.

(City Manager's Office)

ACTION: Discussion held.

Vice-Mayor Smith stated that the item did not have enough backup materials, which should have included a copy of the contract for sale and purchase, justification to give the property owner so much of a discount in the lien and how much equity, if any, was on the property. The agreement should be stricter in identifying how much the new property owner will spend in renovations.

Motion made Commissioner Gross to settle for 25% of the owner's equity or the amount set forth in negotiations, whichever is higher; no second offered. Discussions continued.

Commissioner Steinberg stated it should be 35% of the owner's equity.

Vice-Mayor Smith stated that the Commission should not be doing settlements on the floor. The City Commission should either be accepting the settlement or rejecting it. The sentiment of the Commission is to reject the settlement. It is the Administration's responsibility to negotiate a better deal. **Robert Middaugh to handle.**

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B An Analysis Of Budget To Preliminary Actual Revenues And Expenses For The Year Ended September 30, 2001, For The General, Enterprise, And Internal Service Funds.
(Finance Department)

ACTION: Written report submitted.

6:29:10 p.m.

- C Status Report On Issues Over Project Contingency At Scott Rakow Youth Center.
(Capital Improvement Projects)

ACTION: Written report submitted and discussion held.

The City's position is that the project contingency belongs to the project and is for the use of the City to cover unforeseen expenses. At this point the City has two alternatives; omit enough work or find an alternative source of funding for these items.

The Administration is letting the Commission know that they are going to omit work. The scope of work will be deleted temporarily, but they will complete the project with a new contractor.

The Administration will continue with their plan and will continue consulting with the Legal Department on this issue.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 30, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

10:11:45 a.m.

- A Anchor Shops And Parking Garage - Monthly Status Report On Parking Operations, Month Of December, 2001.

ACTION: Written report submitted.

Commission Cruz asked how things are working with two different operators (parking and valet). Christina Cuervo stated that there have been some issues, and are attempting to facilitate the concerns which have been raised.

Commissioner Garcia stated that when the Ocean Drive Magazine held their event the operation was atrocious. Christina Cuervo stated that there was a mechanical failure that day which has not happened before and has since been addressed.

Commission Garcia also stated that on Monday he was almost hit by one of the valets. Security needs to be enforced.

3. NEW BUSINESS

- 3A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Actions Of The Mayor And City Commission In Awarding A Construction Contract, In The Amount Of \$6,895,993.51, To Regosa Engineering, Inc., For The Construction Of The Cultural Campus/Regional Library Project; Allocating Funds, In The Amount Of \$506,044, For The Project Contingency; And Appropriating Funds, In The Amount Of \$751,079, For Project Management By URS Corporation-Southern; And Funds, In The Amount Of \$107,333, For Project Concurrency Fees; And Funds, In The Amount Of \$103,440, For Capital Improvement Projects Office (CIP) Management. **Joint City Commission And Redevelopment Agency.**

ACTION: Item withdrawn. See R7B.

Handout:

1. Letter from, Anthony J. Burke, Chief Executive Officer, The Tower Group to Jorge Gonzalez, dated January 29, 2002, RE: Bid No. 02--1/02- Construction of the City of Miami Beach Regional Library

10:16:15 a.m.

- 3B A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency, Authorizing The Appropriation Of \$1,504,297, From South Pointe Redevelopment Agency Tax Increment Funds, For Costs, More Particularly Described In Exhibit "A", Related To The South Pointe Redevelopment Area Portion Of The Flamingo/ Lummus Neighborhood Streetscape Project. **Joint City Commission And Redevelopment Agency.**

ACTION: Item heard in conjunction with item R7C. Resolution No. 407-2002 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo and Tim Hemstreet to handle.

10:18:12 a.m.

- 3C A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency, Authorizing The Appropriation Of \$547,373 From City Center Redevelopment Agency Tax Increment Funds, For Costs, More Particularly Described In Exhibit "A", Related To The City Center Redevelopment Area Portion Of The Flamingo/ Lummus Neighborhood Streetscape Project. **Joint City Commission And Redevelopment Agency.**

Action: Item heard in conjunction with item R7D. Resolution No. 408-2002 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo and Tim Hemstreet to handle.

3:29:13 p.m.

3D

A Resolution Of The Chairman And Members Of The Redevelopment Agency Of The City Of Miami Beach, Appropriating \$450,000 From The City Center Redevelopment Area Tax Increment Funds Representing The Settlement Costs In Connection With Gazit (Meridian), Inc. Vs. The City Of Miami Beach Lawsuit. **Joint City Commission And Redevelopment Agency.**

Action: Item heard in conjunction with item R7E. Resolution No. 409-2002 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice-vote: 5-2; Opposed Vice-Mayor Smith and Commissioner Steinberg. Christina Cuervo to handle

Commissioner Gross thanked Christina Cuervo and Patricia Walker for going over the figures with him. He also stated that he believes the land value is too high, the building value is okay, and stated the purchase makes sense if the City is going to build a garage.

Vice-Mayor Smith believes there is no legal justification for the City of Miami Beach to pay \$450,000 to settle this Burt Harris claim. He believes that the owner cannot demonstrate that any actions of the City adversely affected the property value. The City has no liability to this property owner. The settlement is inappropriate.

Commissioner Gross stated that what is driving the transaction is the Administration's need for additional office space. He asked the Administration if it is planning on building a garage.

Jorge Gonzalez, City Manager, responded that he is not ready to answer that today.

J. Mark Quinlivan, property appraiser, gave a statement and stated that he stands behind his appraisal.

The Mayor Dermer commended the Commission for the work done on this issue. He also commended Commissioner Gross for all his help.

10:19:04 a.m.

E

A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving An Amendment In The Amount Of \$119,000 To The Professional Services Agreement With Coastal Systems International, Inc., For Final Design, Permitting And Construction Management Of The Beachwalk Project From 21st Street To Lummus Park; And Appropriating \$119,000 From Available Series 1996B Tax Increment Revenue Bond Funds For Said Purpose.

Action: Resolution No. 410-2002 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice-vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo and Tim Hemstreet to handle.

End of RDA Agenda

Meeting adjourned 6:34:37 p.m.